

Readoption Review **Health Facilities Rules**

410 IAC 16.2

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

This rule sets out the requirements for the operation of health facilities in Indiana in meeting the long term care needs of residents. It spells out licensure and the survey process and the application of remedies when the rules are not met by health facilities. The rules include provisions dealing with residents' rights, the administration and management of health facilities, sanitation and safety standards, assessment of residents' needs, medical and nursing services, food and nutrition services, infection control, activities and social services programs, and clinical records.

Readoption Analysis:

- 1) **Is there a continued need for this rule?**
Yes. The Indiana State Department of Health licenses and inspects all nursing homes and residential care facilities in the state and is the designated surveyor for certified facilities for the Centers for Medicare and Medicaid Services.
- 2) **What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**
Complaints or comments received from the public regarding this rule or the subject matter have been in regard to parts of the rules that need to be updated to conform to federal requirements and parts that can be eliminated for more efficient and quality delivery of care to residents..
- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**
The rule is not a complex one. There have been no difficulties encountered in administering the rule or in small businesses complying with it.
- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**
The rule must meet federal requirements for quality of care for health facilities. There is some overlap and duplication with federal rules as required by those rules. Two levels of rules are necessary for federal Medicare certification and for state licensure.
- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**

The last time the rule was reviewed under this section or otherwise evaluated was seven (7) years ago when the rule was readopted. There have been changes since this was last reviewed. In fact, this readoption will keep rules in place while these rules are amended through the regular rulemaking process.

June 25, 2013